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09/214,519	01/07/99	HASHIZUME	T 101850

OLIFF & BERRIDGE  
PO BOX 19928  
ALEXANDRIA VA 22320

MMC1/0521

EXAMINER

LEROUX, E

ART UNIT

PAPER NUMBER

2858

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/214,519

Applicant(s)

Hashizume et al

Examiner

Etienne LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Apr 26, 2001

2a) ☐ This action is FINAL.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-19 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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***Further identification of Prior Art***

This office action is in response to request by applicant of 4/26/01, Paper No. 19 to further identify the cited prior art. Examiner has included US Patent Numbers for applicant's easy reference.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 6 - 9 (amended) are rejected under 35 U.S.C.102(b) as being anticipated by USPAT 5,508,834 to Yamada et al.

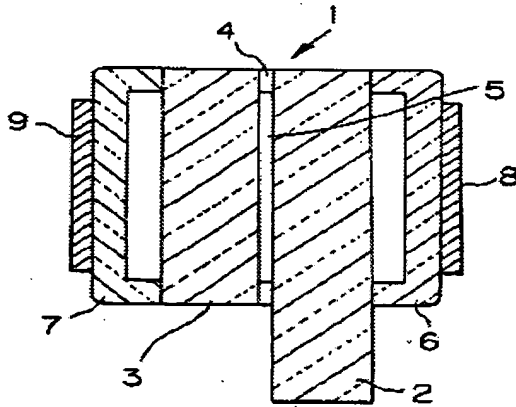
Regarding claims 1 and 4 (amended), Yamada et al. disclose .....an optical modulation element[Fig 5, #5] ..... a transparent plate [Fig 5, #3] secured to the optical modulator ..... a projection unit [Fig.2, #209].

Regarding claims 2 and 9 (amended), Yamada et al. disclose .....a polarizer [Fig 5, #9] bonded to the transparent plate.

Regarding claim 6 (amended), Yamada et al. disclose the transparent plate [Fig 5, #3] thickness is larger than the focal length of the projection lens [Fig 2, #209].

Regarding claim 7 (amended), Yamada et al disclose the transparent plate is made of resin [Col 6, line 60].

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*FIG. 5*

Regarding claim 8 (amended), as best the examiner is able to ascertain, Yamada et al disclose a polarizer [Fig 5, #9] and a pair of substrates [Fig 5, #2 and #3]

Claims 14 - 16 (amended) are rejected under 35 U.S.C. 102(b) as being anticipated by USPAT 6,007,205 to Fujimori.

Regarding claim 14 (amended), Fujimori discloses: a plurality of optical modulation devices [Fig 12, 925R, 925G, 925B], a prism that synthesizes the light flux [Fig 11, 910], a projection unit [Fig 9, 6], a partition [Fig 12, 1500] that surrounds said plurality of optical modulation devices and said prism, the partition having a transparent plate fitted in an incident window corresponding to a light incident surface [Fig 12] a light outgoing window that emits the light flux modulated by at least one optical modulation device [Fig 12], a fan [Fig 12], a polarizer [Fig 12].

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*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 (amended) is rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 5,508,834 to Yamada et al. in view of USPAT 5,865,521 to Hashizume et al.

Regarding claim 5 (amended), the difference between Yamada et al. and the claimed invention is the antireflection film on the surface of the transparent plate. Hashizume et al. disclose an antireflection film [Fig 12,632]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamada et al. to include the antireflection film as disclosed by Hashizume et al. The ordinary artisan would have been motivated to modify Yamada et al. as above for the purpose of eliminating reflections from the transparent plate.

4. Claims 3 and 10 (amended) are rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 5,508,834 to Yamada et al. in view of USPAT 5,212,573 to Yamazaki et al.

Regarding claims 3 and 10 (amended), the difference between Yamada et al. and the claimed invention is the transparent plate being treated for electrostatic protection. Yamazaki discloses a transparent substrate being electrostatically protected [Col 3, lines 1-35]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Yamada et al to include the electrostatic protection as disclosed by Yamazaki et al. The ordinary artisan would have been motivated to modify Yamada et al as above for the purpose of protecting the optical modulator against excessive electrostatic voltage.

5. Claims 11 - 13 (amended) are rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 5,508,834 to Yamada et al. in view of USPAT 5,868,485 to Fujimori et al.

Regarding claims 11 - 13 (amended), the difference between Yamada et al. and the claimed invention is the mounting member, the color synthesizing prism, a fixed frame plate in contact with the color synthesizing prism and an intermediate frame plate. Fujimori et al. disclose ....a mounting member [Fig 5] ....a color synthesizing prism [Fig 5, #22] .....a fixed frame plate [Fig 5, #54] in contact with the color synthesizing prism [Fig 5, #22] ....an intermediate frame plate [Fig 5, #55]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yamada et al to include the above components as taught by Fujimori et al. The ordinary artisan would have been motivated to modify Yamada et al. as above for the purpose of securing the transparent plate and the polarizer to the color synthesizing prism.

Regarding claim 12 (amended), Fujimori et al. disclose the mounting frame plate being made of resin [Col 10, line 15].

Regarding claim 13 (amended), Fujimori et al. disclose a metal mounting frame [Col 10, line 43].

Claim 17 (amended) is rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 6,007,205 to Fujimori in view of USPAT 5,212,573 to Yamazaki et al.

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Regarding claim 17 (amended), the difference between Williams et al. and the claimed invention is the transparent plate being treated for electrostatic protection. Yamazaki discloses a transparent substrate being electrostatically protected [Col 3, lines 1-35]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams et al. to include the electrostatic protection as disclosed by Yamazaki et al. The ordinary artisan would have been motivated to modify Williams et al. as above for the purpose of protecting the optical modulator against excessive electrostatic voltage.

Claims 18 and 19 (new) are rejected under 35 U.S.C. 103(a) as being unpatentable over USPAT 5,508,834 to Yamada et al. and further in view of USPAT 5,260,730 to Williams.

The examiner may take official notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art. Yamada et al and further in view of Williams disclose the claimed invention except for a power supply unit, an interface unit, a control circuit that controls the optical modulation element, an outer casing that accommodates the light source, the optical modulation element, the partition, the power supply unit, the interface unit, and the control circuit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the above components since it was known in the art that the above components are required for a conventional optical modulation element and projection display device. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970).

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Applicant may consider overcoming the above assertion of obviousness by demonstrating that provision of the above components achieves unexpected results relative to the prior art.

*In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990).

Furthermore, if Applicant has obtained unexpected results relative to the prior art, Applicant is required to show "that the difference in results is in fact unexpected and unobvious and of both statistical and practical significance." *Ex parte Gelles*, 22 USPQ2d 1318, 1319 (Bd. Pat App. & Inter, 1992)

### ***Response to Arguments***

6. Applicant's arguments filed in Amendment dated 1/8/01, Paper No. 17, have been fully considered and are countered as below.

Applicant states on page 2, "As agreed during the personal interview, Yamada does not disclose or suggest an optical modulation device, and a transparent plate formed on at least one surface of the optical modulation device, as recited in amended claim 1." Examiner respectfully suggests that there was miscommunication during the interview and Examiner wishes to correct the record as below. Yamada teaches an optical modulation device [Fig 5, 5] and in column 3 which is reproduced for applicant's convenience:

*A preferred embodiment of the present invention will now be described with reference to the accompanying drawings. Fig 5 is a schematic cross-sectional view showing a liquid crystal display device in accordance with a first embodiment of the invention. The liquid crystal display device is of an active matrix type and a liquid crystal cell 1 is composed*



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*of a TFT substrate 2 and a CF substrate 3. Both the substrates are bonded together by a sealant 4, and a liquid crystal layer 5 is held in a gap therebetween. Incidentally, it is apparent that the application of the present invention is not limited to the active matrix type liquid crystal display device but the invention may be applied to any other structure such as a simple matrix type LCD. A pair of transparent cover members 6 and 7 are mounted on outer surfaces of the liquid crystal cell 1."*

Applicant states on page 2, "as agreed during the personal interview, Yamada does not disclose or even suggest a transparent plate formed on an optical modulation device. Accordingly, claim 1 is not anticipated by Yamada." Examiner respectfully disagrees with supra statement that examiner agreed with applicant that Yamada does not teach a transparent plate. Examiner wished to correct the record as below. Yamada teaches a transparent plate [Fig 5, 6 and 7].

Applicant's arguments against the Williams prior art are moot based on new grounds of rejection.

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***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne (Steve) LeRoux whose telephone number is (703) 305-0620.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436.

Any inquiry of a general nature relating to the status of this application or processing procedure should be directed to the receptionist whose telephone number is (703) 308-0956.

Etienne LeRoux

May 18, 2001

  
Safet Metjahic  
Supervisory Patent Examiner  
Technology Center 2800